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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,791	09/26/2003	David E. Edgren	ARC 2813 D1 N1	9483
30766	7590	04/11/2006	EXAMINER	
DEWIPAT INCORPORATED			GEORGE, KONATA M	
4606 FM 1960 WEST, SUITE 400, PMB 166			ART UNIT	
HOUSTON, TX 77069			PAPER NUMBER	

1616

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/672,791

Applicant(s)

EDGREN ET AL.

Examiner

Konata M. George

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 36,39 and 43-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36,39 and 43-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Claims 36, 39 and 43-48 are pending in this application.

#### ***Action Summary***

1. Examiner acknowledges the cancellation 37, 38 and 40-42.
2. The rejection of claims 36, 39 and 43-48 under 35 U.S.C. 103(a) over Wong et al. in view of Appel et al. is hereby withdrawn.

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims 36, 39 and 43-48 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 36, 39 and 43-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong et al. (US 5,667,804) in view of Sumitomo Chem. Co. LTD. (EP 0 088 556).

Wong et al. teaches in col. 8, lines 23-36 a forming means for forming bands onto a dosage form. The bands may be placed or printed dosage forms. Column 11,

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lines 60 through column 12 teach that the bands may be formed on a Tait Capsealer machine. Page 15, lines 5-25 of the specification teach that the Tait Capsealer will align the groove circumscribed on the blank to form bands within the grooves. Printing wheels and transport mechanisms are taught on pages 16-19. The prior art does not teach forming the bands in the grooves of blanks.

Sumitomo Chem. Co. LTD. discloses tablets having an impressed valley portion and that a material can be deposited in the valley has no limitation as long as it is one usually used a coating for tablets (page 2, lines 17-22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the dosage blanks of Sumitomo Chem. Co. LTD. with the invention of Wong et al. Sumitomo Chem. Co. LTD. teaches a tablet having a valley wherein a material may be deposited thereon and Wong teaches a Tait Capsealer machine for putting band onto a blank, therefore, it would be obvious to one of ordinary skill that the Tait Capsealer machine of Wong et al. would align the valley of the tablets from Sumitomo Chem. Co. LTD. and form bands thereon. The expected result would be a dosage form with a band having a distinct release characteristic.

### ***Conclusion***

5. Claims 36, 39 and 43-48 are rejected.

### ***Telephone Inquiries***

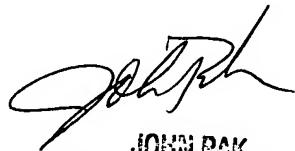
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Konata M. George, whose telephone number is (571) 272-0613. The examiner can normally be reached from 8AM to 6:30PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz, can be reached at (571) 272-0887. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8000 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.

Konata M. George



JOHN PAK  
PRIMARY EXAMINER  
GROUP 1600